

Assembly Bill No. 1735

Passed the Assembly August 28, 2003

Chief Clerk of the Assembly

Passed the Senate August 25, 2003

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Sections 1701.5 and 1701.6 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1735, Committee on Utilities and Commerce. Public Utilities Commission: ratesetting and quasi-legislative cases.

(1) Under the Public Utilities Act, the Public Utilities Commission has regulatory authority over public utilities and is authorized to conduct investigations and conduct proceedings. Existing law authorizes the commission to determine whether a proceeding requires a hearing, and if so, to determine whether the matter requires a quasi-legislative, an adjudication, or a ratesetting hearing, authorizes the commission to assign one or more commissioners and administrative law judges to oversee cases, and prescribes separate procedures for proceedings that the commission determines are either quasi-legislative, adjudication, or ratesetting cases. The assigned commissioner or administrative law judge is required to schedule a prehearing conference and to issue a scoping memo that describes the issues to be considered and the applicable timetable for resolution. Adjudication matters are required to be resolved within 12 months of initiation unless the commission makes findings why that deadline cannot be met and issues an order extending that deadline. In a ratesetting or quasi-legislative hearing, the commission is required to issue a final decision not later than 60 days after the issuance of a proposed decision, except that under extraordinary circumstances the commission may extend the time for issuance of a final decision for a reasonable period.

This bill would require the commission to resolve the issues in the scoping memo in a ratesetting or quasi-legislative case within 18 months of the date the scoping memo is issued, unless the commission makes a written determination that the deadline cannot be met and issues an order extending that deadline. The bill would prohibit any single order from extending the deadline for more than 60 days. The bill would authorize the commission to specify in the scoping memo a resolution date later than 18 months from the date the scoping memo is issued, if that scoping memo



includes specific reasons for the necessity of a later date and the commissioner assigned to the case approves the date.

(2) Existing law requires the commission to develop, publish, and annually update an annual work plan access guide that describes the scheduled ratemaking proceedings and other decisions that may be considered by the commission during the calendar year, as prescribed. Existing law requires the president of the commission to annually appear before the appropriate policy committees of the Legislature to report on that guide. Existing uncodified law requires the commission to annually submit a report to the Legislature on the number of cases where resolution exceeded the time periods prescribed in scoping memos and the days that commissioners presided in hearings.

This bill would require that the president of the commission appear annually before the appropriate policy committees of the Legislature to report on the annual work plan access guide and to report on the number of cases where resolution exceeded the time periods prescribed in scoping memos and the days that commissioners presided in hearings.

The people of the State of California do enact as follows:

SECTION 1. Section 1701.5 is added to the Public Utilities Code, to read:

1701.5. (a) Except as specified in subdivision (b), in a ratesetting or quasi-legislative case, the commission shall resolve the issues raised in the scoping memo within 18 months of the date the scoping memo is issued, unless the commission makes a written determination that the deadline cannot be met, including findings as to the reason, and issues an order extending the deadline. No single order may extend the deadline for more than 60 days.

(b) Notwithstanding subdivision (a), the commission may specify in a scoping memo a resolution date later than 18 months from the date the scoping memo is issued, if that scoping memo includes specific reasons for the necessity of a later date and the commissioner assigned to the case approves the date.

SEC. 2. Section 1701.6 is added to the Public Utilities Code, to read:



1701.6. (a) The president of the commission shall annually appear before the appropriate policy committees of the Senate and Assembly to report on the annual work plan access guide of the commission required pursuant to Section 321.6.

(b) The president of the commission shall annually appear before the appropriate policy committees of the Senate and Assembly to report on the annual report of the commission on the number of cases where resolution exceeded the time periods prescribed in scoping memos and the days that commissioners presided in hearings, pursuant to Section 13 of Chapter 856 of the Statutes of 1996.



Approved _____, 2003

Governor

